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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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August 30, 2004

Ref: 8EPR-SR

MEMORANDUM

SUBJECT: Request for Concurrence on the Applicability of the Off-Site Rule in Park City,
Utah

FROM: Jim Christiansen *JC 8/30/04*
Remedial Project Manager
8EPR-SR

For Richard Baird *RB 8/30/04*
Senior Enforcement Attorney
8ENF-L

THROUGH: Michael T. Risner *MTR 8/30/04*
Director, Legal Enforcement Program

Peter Ornstein *PO 8/30/04*
Deputy Regional Counsel

Tom Burns *T Burns 9/1/04*
Chief, Program Management Unit

TO: Dale Vodehnal *Dale Vodehnal*
Director, Superfund Remedial Response Program

The purpose of this memorandum is to request concurrence on the Richardson Flats Site Team's determination of the applicability of the CERCLA Off-Site Rule (OSR) as it pertains to placement of CERCLA wastes, from the Silver Creek Watershed, at the Richardson Flats Site in Park City, Utah (Site).

To determine if an action involves "off-site" disposal or transfer, and is thus subject to the OSR, CERCLA provides the following definition:

"On-site means the areal extent of contamination and all suitable areas in very close proximity to the contamination necessary for implementation of the response action." Areas that meet this definition would not be subject to the OSR.

Due to the close proximity of the areas in question, as well as the areal extent and geographically continuous nature of the contamination through the Silver Creek corridor, the Richardson Flats Team has determined that consolidating wastes from the Silver Creek Watershed at the Site and incorporating those wastes into the remedial action at the Site does not constitute an off-site disposal or transfer for purposes of the OSR. The Team recommends that EPA Region 8 concur with this determination. Please indicate your concurrence below:

Michael T. Risner
Director, Legal Enforcement Program

Michael T. Risner
Concur

Peter Ornstein
Deputy Regional Counsel

Peter Ornstein
Concur

Tom Burns
Chief, Program Management Unit

Thomas Burns
Concur

Dale Vodehnal
Director, Superfund Remedial Response Program

Dale Vodehnal
Concur

